

Kansas Department of Agriculture
Division of Food Safety and Lodging
1320 Research Park Drive, Manhattan, KS 66502
(office) 785-564-6767 (fax) 785-564-6779

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Insp Date: 7/9/2015 **Business ID:** 114393FE
Business: CHINA GARDEN

5860 ANTIOCH RD
MERRIAM, KS 66202

Inspection: 89000065
Store ID:
Phone: 9138316888
Inspector: KDA89
Reason: 02 Follow-up
Results: Administrative Review

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/09/15	10:15 AM	04:15 PM	6:00	0:00	6:00	0	
Total:			6:00	0:00	6:00	0	

FOOD ESTABLISHMENT PROFILE

Physical Address 5860 ANTIOCH RD City MERRIAM
Zip 66202

Owner _____ License Type FE

Risk Category RAC# 06 High Risk RAC/Size Confirmed ☐ Size Range 5,000 - 10,000 sq feet

Updated Risk Category _____ Updated Size Range _____

Insp. Notification Email Sent Notification To _____ Lic. Insp. No

Priority(P) Violations 10 Priority foundation(Pf) Violations 2

Certified Manager on Staff ☐ Address Verified ☐ Actual Sq. Ft. 0
Certified Manager Present ☐

INSPECTION INFORMATION

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury.

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods.

Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT www.agriculture.ks.gov, EMAIL fsl@kda.ks.gov, OR CALL (785) 564-6767.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Demonstration of Knowledge			Y	N	O	A	C	R
1. Certification by accredited program, compliance with Code, or correct responses.			p	..	..	..	..	..
Employee Health			Y	N	O	A	C	R
2. Management awareness; policy present.			p	..	..	..	..	..
3. Proper use of reporting, restriction and exclusion.			p	..	..	..	..	..
Good Hygienic Practices			Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use			p	..	..	..	..	..
5. No discharge from eyes, nose and mouth.			p	..	..	..	..	..
Preventing Contamination by Hands			Y	N	O	A	C	R
6. Hands clean and properly washed.			p	..	..	..	..	..
7. No bare hand contact with RTE foods or approved alternate method properly followed.			p	..	..	..	..	..
8. Adequate handwashing facilities supplied and accessible.			..	p	..	..	p	p
Fail Notes	5-205.11(B)	Pf - A HANDWASHING SINK may not be used for purposes other than handwashing. [An employee was filling a 5 gallon bucket at the handsink near ice cream station.]						
	6-301.14	A sign or poster that notifies FOOD EMPLOYEES to wash their hands shall be provided at all HANDWASHING SINKS used by FOOD EMPLOYEES and shall be clearly visible to FOOD EMPLOYEES. [There is no handwash signage at wait station handsinks. COS. Signs provided, staff hung signs.]						
Approved Source			Y	N	O	A	C	R
9. Food obtained from approved source.			p	..	..	..	..	..
10. Food received at proper temperature.			..	..	p	..	..	..
11. Food in good condition, safe and unadulterated.			..	p	..	..	p	p
Fail Notes	3-101.11	P - FOOD shall be safe, UNADULTERATED, and honestly presented. [In prep area near WIC, condensation has dripped into uncovered bin of sugar, contaminating the contents. COS. All sugar in bin discarded.]						
12. Required records available: shellstock tags, parasite destruction.			..	..	..	p	..	..
Protection from Contamination			Y	N	O	A	C	R
13. Food separated and protected.			..	p	..	..	p	..
Fail Notes	3-302.11(A)(1)(b)	P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [In WIC, raw chicken being stored over cooked beef. COS. Staff moved moved items.]						
	3-302.11(A)(2)	P - Cross Contamination by type (separate equipment) - FOOD shall be protected from cross contamination by separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by: using separate EQUIPMENT for each type; arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented; or, preparing each type of FOOD at different times or in separate areas [In WIC, raw chicken is being stored over raw beef. COS. Staff moved items.]						
14. Food-contact surfaces: cleaned and sanitized.			..	p	..	..	p	p

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Protection from Contamination			Y	N	O	A	C	R
<i>Fail Notes</i>	4-601.11(A)	<i>Pf - Food Contact Clean to Sight and Touch - EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.</i> <i>[In clean wares storage, numerous pots and pans with visible food debris. COS. All pots and pans taken to warewashing to be cleaned.]</i>						
	4-702.11	<i>P - Sanitizing Before Use, After Cleaning - UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning.</i> <i>[At the dishmachine area, there was 0 ppm chlorine registering at dishmachine. Dishes were observed being washed during inspection. COS. Service company called, machine maintained, corrected to 50 ppm.]</i>						
15. Proper disposition of returned, previously served, reconditioned and unsafe food.			..	..	p	..	..	..
Potentially Hazardous Food Time/Temperature			Y	N	O	A	C	R
16. Proper cooking time and temperatures.			p	..	..	..	..	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>								
17. Proper reheating procedures for hot holding.			..	..	p	..	..	..
18. Proper cooling time and temperatures.			..	..	p	..	..	..
19. Proper hot holding temperatures.			..	p	..	..	p	p
<i>Fail Notes</i>	3-501.16(A)(1)	<i>P - PHF/TCS Hot Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 57°C (135°F) or above.</i> <i>[At buffet line: teriyaki chicken being hot held at 102.3 F, sweet and sour chicken at 95.4 F. COS. All items placed on buffet at 10:30, then removed from line due to restaurant being closed down.]</i>						
20. Proper cold holding temperatures.			..	p	..	..	p	p
<i>This item has Notes. See Footnote 2 at end of questionnaire.</i>								
<i>Fail Notes</i>	3-501.14(D)	<i>P - Raw EGGS shall be received in refrigerated equipment and immediately placed in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.</i> <i>[Raw shell eggs at Mongolian grill area at 50.0 F. COS. Eggs taken from storage in WIC at 10:30. Instructed staff to use ice bath for storage of raw shell eggs to maintain temperatures at 45.0 F.]</i>						
	3-501.16(A)(2)	<i>P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less.</i> <i>[At Mongolian grill, bean sprouts being cold held at 56.2 F. Garlic and oil- 47 F in make table. PIC stated garlic and oil had been out on cart during morning prep. COS. Sprouts discarded.]</i>						
21. Proper date marking and disposition.			p	..	..	..	..	..
22. Time as a public health control: procedures and record.			..	..	..	p	..	..
Consumer Advisory			Y	N	O	A	C	R
23. Consumer advisory provided for raw or undercooked foods.			p	..	..	..	..	..
Highly Susceptible Populations			Y	N	O	A	C	R
24. Pasteurized foods used; prohibited foods not offered.			..	..	..	p	..	..
Chemical			Y	N	O	A	C	R
25. Food additives: approved and properly used.			p	..	..	..	..	..
26. Toxic substances properly identified, stored and used.			p	..	..	..	..	..
Conformance with Approved Procedures			Y	N	O	A	C	R

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Conformance with Approved Procedures	Y	N	O	A	C	R
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27. Compliance with variance, specialized process and HACCP plan.

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GOOD RETAIL PRACTICES

Safe Food and Water	Y	N	O	A	C	R
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28. Pasteurized eggs used where required.

.. .. . p

29. Water and ice from approved source.

p

30. Variance obtained for specialized processing methods.

p

Food Temperature Control	Y	N	O	A	C	R
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31. Proper cooling methods used; adequate equipment for temperature control.

p

32. Plant food properly cooked for hot holding.

.. .. . p

33. Approved thawing methods used.

p

34. Thermometers provided and accurate.

.. p

Fail Notes	4-302.12(A)	<i>Pf - Food Temperature Measuring Devices (Provided & Accessible)</i> FOOD TEMPERATURE MEASURING DEVICES shall be provided and readily accessible for use in ensuring attainment and maintenance of required FOOD temperatures. <i>[No thermometer provided in Sushi station cooler. No thermometer at 2 door Pepsi RIC.]</i>
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Food Identification	Y	N	O	A	C	R
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35. Food properly labeled; original container.

.. p p ..

Fail Notes	3-302.12	<i>Food storage containers (Common Name) Except for containers holding FOOD that can be readily and unmistakably recognized such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD.</i> <i>[At Mongolian grill, unlabeled container of white crystalline substance has no label. COS. Employee labeled container as salt.]</i>
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Prevention of Food Contamination	Y	N	O	A	C	R
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36. Insects, rodents and animals not present.

.. p p

Fail Notes	6-501.111(A)	<i>P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests.</i> <i>[11 live roaches under 2 door Pepsi RIC in kitchen. 1 live roach crawling on top of the door to the Pepsi one door RIC. 10-15 live roaches found behind 3 vat sink, dishmachine, 2 vat prep sink and handwashing sink in kitchen. PIC stated that they have pest control program bimonthly.]</i>
6-501.112	<i>Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests.</i> <i>[2 dead rodents under the single door Pepsi RIC. COS. Removed and discarded. Dead roaches found under buffet lines. Dead roaches under Pepsi RICs in kitchen area.]</i>	

37. Contamination prevented during food preparation, storage and display.

p

38. Personal cleanliness.

p

39. Wiping cloths: properly used and stored.

.. p

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Prevention of Food Contamination	Y N O A C R
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Fail Notes	3-304.14(B)(1)	<i>Wiping cloths (Storage) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be held between uses in a chemical sanitizer solution at an appropriate concentration. [Damp wiping cloth at Mongolian grill stored in sanitizer sloution at 10ppm chlorine.]</i>
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40. Washing fruits and vegetables. p
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Proper Use of Utensils	Y N O A C R
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41. In-use utensils: properly stored.	.. p
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Fail Notes	3-304.12(A)	<i>In-use utensil storage (Handles above top of container) Except as specified under 3-304.12(B), during pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in the FOOD with their handles above the top of the FOOD and the container. [At both wait stations, ice scoops stored in the ice bin with handles down in the ingredients. In back prep area, plastic container with no handle being used as a scoop in bulk bin of sugar. Cups with no handles stored in sweet/ sour sauce and dry rice.]</i>
	3-304.12(D)	<i>In-use utensil storage (Running water) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS used with moist FOOD such as ice cream or mashed potatoes shall be stored in running water of sufficient velocity to flush particulates to the drain. [At ice cream station, ice cream scoop being stored in a plastic food container pan of water at room temperature.]</i>

42. Utensils, equipment and linens: properly stored, dried and handled.	p
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43. Single-use and single-service articles: properly used.	p
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44. Gloves used properly.	p
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Utensils, Equipment and Vending	Y N O A C R
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45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used-P and Pf items	p
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45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used-Core items	.. p
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Fail Notes	4-501.11(A)	<i>EQUIPMENT shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2. [Plastic right hand side door at sushi station is missing and a piece of wet cardboard is used as a door.]</i>
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46. Warewashing facilities: installed, maintained, and used; test strips.	p
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47. Non-food contact surfaces clean.	.. p
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Fail Notes	4-602.13	<i>NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues. [In kitchen area, sides of fryer have buildup of grease, doors and hinges of RICs, under Mongolian grill there is a large amount of grease and food debris. The sides of the make tables and shelving in the kitchen area have dried residue.]</i>
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Physical Facilities	Y N O A C R
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48. Hot and cold water available; adequate pressure.	p
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49. Plumbing installed; proper backflow devices.	p
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50. Sewage and waste water properly disposed.	p
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51. Toilet facilities: properly constructed, supplied and cleaned.	p
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52. Garbage and refuse properly disposed; facilities maintained.	.. p
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities

Y N O A C R

Fail Notes | 5-501.115 | *A storage area and enclosure for REFUSE, recyclables, or returnables shall be maintained free of unnecessary items, as specified under § 6-501.114, and clean.
[Grease and food buildup on receptacles and inside refuse area.]*

53. Physical facilities installed, maintained and clean.

.. p

Fail Notes | 6-201.11 | *Except as specified under § 6-201.14 and except for antislip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are SMOOTH and EASILY CLEANABLE.
[In kitchen area there are missing floor tiles and grout allowing food residue to build up.]*

54. Adequate ventilation and lighting; designated areas used.

p

Administrative/Other

Y N O A C R

55. Other violations

.. p

This item has Notes. See Footnote 3 at end of questionnaire.

Fail Notes | 8-404.11 | *P - A LICENSEE shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health. A LICENSEE need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.
[Due to roach infestation, imminent health hazard is present.]*

EDUCATIONAL MATERIALS

The following educational materials were provided ..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Mongolian grill- stir fry- 203.2 F.

Footnote 2

Notes:

Mongolian grill: lo mein noodles- 40.8 F, sushi station- 41.2 F- raw tuna. Single door Pepsi RIC- cooked shrimp- 38 F, cooked chicken- 40 F, egg rolls- 42 F. 2 door Pepsi RIC- raw shrimp- 40 F, cooked salmon- 38 F. WIC- cooked chicken- 41 F, imitation crab- 38 F, raw chicken- 38 F, cream cheese mixture- 40, make table- raw chicken- 41 F, fried tofu- 40 F, raw chicken- 42 F.

Footnote 3

Notes:

Accompanied by KDA 63. Follow up inspection also serves as a complaint inspection.

VOLUNTARY DESTRUCTION REPORT

Insp Date: 7/9/2015 **Business ID:** 114393FE
Business: CHINA GARDEN

5860 ANTIOCH RD
MERRIAM, KS 66202

Inspection: 89000065
Store ID:
Phone: 9138316888
Inspector: KDA89
Reason: 02 Follow-up

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/09/15	10:15 AM	04:15 PM	6:00	0:00	6:00	0	
Total:			6:00	0:00	6:00	0	

ACTIONS

Number of products Voluntarily Destroyed 3

VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product Cut cabbage Qty 1 Units lbs Value \$ 5.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product Bean sprouts Qty 1 Units lbs Value \$

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

3. Product Sugar Qty 15 Units lbs Value \$ 50.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 7/9/2015 **Business ID:** 114393FE
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NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled _____

Inspection Report Number 89000065

Inspection Report Date 07/09/15

Establishment Name CHINA GARDEN

Physical Address 5860 ANTIOCH RD City MERRIAM

Zip 66202

Additional Notes
and Instructions

Follow up after reopening will be directed by the KDA district office.

VOLUNTARY CLOSURE STATEMENT

Insp Date: 7/9/2015 **Business ID:** 114393FE
Business: CHINA GARDEN

5860 ANTIOCH RD
MERRIAM, KS 66202

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VOLUNTARY CLOSURE STATEMENT

BECAUSE OF DEFICIENCIES NOTED ON THE ATTACHED KANSAS DEPARTMENT OF AGRICULTURE INSPECTION REPORT, I VOLUNTARILY AGREE TO CLOSE THIS ESTABLISHMENT AND CEASE OPERATION UNTIL NEEDED CORRECTIONS HAVE BEEN COMPLETED. I AGREE NOT TO REOPEN THIS ESTABLISHMENT PRIOR TO RE-INSPECTION BY THE FOOD, DRUG, AND LODGING SURVEYOR.

Reinspection is currently scheduled for _____

Inspection Report Number 89000065

Inspection Report Date 07/09/15

Establishment Name CHINA GARDEN

Physical Address 5860 ANTIOCH RD

City MERRIAM

Zip 66202

Additional Notes

Due to roach infestation, establishment is to remain closed until an approved reopening inspection has occurred.